

MAINE STATE LEGISLATURE

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L.D. 1801

DATE: 3/7/94

(Filing No. H- 804)

FISHERIES & WILDLIFE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1338, L.D. 1801, Bill, "An Act to Revise Certain Fish and Wildlife Laws"

Amend the bill in section 5 in subsection 1 in the 3rd line (page 2, line 9 in L.D.) by striking out the following: "shall" and inserting in its place the following: '~~shall~~ must'

Further amend the bill in section 6 in subsection 14 in the 4th line (page 2, line 26 in L.D.) by inserting after the following: "department" the following: 'pursuant to section 7034, subsection 5'

Further amend the bill by striking out all of sections 8 and 9 and inserting in their place the following:

'Sec. 8. 12 MRSA §7076, sub-§14 is enacted to read:

14. Groups of resident students. The commissioner may permit groups of residents who attend high school or who are enrolled in special education courses for persons who are underprivileged, persons with handicaps or people with special learning needs to fish without licenses for periods of not more than 3 days as long as the fishing activity is conducted as part of an educational program and is under the direct supervision of a teacher or instructor.'

Further amend the bill by inserting after section 12 the following:

COMMITTEE AMENDMENT

2 'Sec. 13. 12 MRSA §7107-A, sub-§3, as amended by PL 1993, c.
419, §10, is further amended to read:

4 3. Schedule of fees. The schedule of fees is as follows:

	1993	1994	1995	1996 and after
10 A. Resident 6-day muzzle-loading hunting license	\$7	\$9	\$10	\$11
12 B. Nonresident 6-day muzzle- loading hunting license	\$25	\$29	\$31	\$33
14 C. Alien 6-day muzzle-loading hunting license	\$50	\$54	\$56	\$58

18 'Sec. 14. 12 MRSA §7107-A, sub-§4, as amended by PL 1989, c.
20 493, §13, is further amended to read:

22 4. Open season. There shall be is a special muzzle-loading
24 open season on deer on the first 6 hunting days after immediately
26 following the regular deer hunting season for the purpose of
28 hunting deer only with muzzle-loading firearms as defined in
30 section 7001, subsection 23-A. The commissioner may terminate
32 this open season at any time, in any area, if, in the
34 commissioner's opinion, an immediate emergency action is
36 necessary due to adverse weather conditions or severe hunting
38 pressure. The length of the special muzzle-loading season is as
40 follows:

32 A. In 1994, the special muzzle-loading season extends for 6
34 hunting days;

36 B. In 1995 and 1996, the commissioner shall establish by
38 rule the length of the special muzzle-loading season. The
40 commissioner may establish seasons of different lengths in
42 different regions of the State. The season may extend for
44 no more than 12 hunting days in any part of the State; and

42 C. In 1997 and thereafter, the special muzzle-loading season
44 extends for 6 hunting days.'

46 Further amend the bill by striking out all of section 14 and
inserting in its place the following:

48 'Sec. 14. 12 MRSA §7133, sub-§5, ¶C, as enacted by PL 1987, c.
50 696, §6, is amended to read:

2 C. Notwithstanding section 7406, subsections 4 and 5, any
person who holds a valid trapping license may carry a .22
4 caliber firearm at any time during the open trapping season
for the sole purpose of dispatching trapped animals.

6 **Sec. 15. 12 MRSA §7171, sub-§6 is enacted to read:**

8 6. Inspection of live smelts and baitfish. A person
licensed under this section who possesses live smelts or baitfish
at a fixed place of business shall make these fish available for
inspection by a warden during normal business hours. A person
licensed under this section who possesses live smelts or baitfish
at a location other than the licensee's fixed place of business
shall make these fish available for inspection by a warden at any
time, upon request.'

16 Further amend the bill by inserting after section 15 the
18 following:

20 **'Sec. 16. 12 MRSA §7237, sub-§2 is enacted to read:**

22 2. Application. Each applicant for a permit to import
wildlife into the State shall submit a written application in the
form required by the commissioner. The application must be
accompanied by a nonrefundable application fee of \$25.

26 **Sec. 17. 12 MRSA §7369, sub-§10, ¶F, as enacted by PL 1993, c.**
28 **438, §26, is amended to read:**

30 F. Allocations are not required for Sundays on the
32 Penobscot River for the period of June 8, 1994 to August 31,
1994 1995. The commissioner may by rule establish
34 allocations for this period if the commissioner determines
allocations are necessary. The commissioner shall submit a
36 report to the joint standing committee of the Legislature
having jurisdiction over inland fisheries and wildlife
38 matters no later than January 15, 1995 on use of the
Penobscot River by commercial whitewater outfitters during
the first year of this period and a 2nd report no later than
January 14, 1996 on use of the Penobscot River by commercial
whitewater outfitters during this period.'

42 Further amend the bill by striking out all of section 16 and
44 inserting in its place the following:

46 **'Sec. 16. 12 MRSA §7371-B is enacted to read:**

48 **§7371-B. Purchase of live smelts from unlicensed dealers**

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2 A person licensed to deal in live baitfish pursuant to
4 section 7171 is guilty of purchasing live smelts from an
6 unlicensed dealer if that person purchases live smelts from a
8 person who does not hold a current license to sell live smelts
10 issued pursuant to section 7171, subsection 2, paragraph A or C.
12 The commissioner, subject to the hearing provisions of section
14 7077, shall revoke for a period of at least one year from the
16 date of conviction any licenses issued under section 7171 to a
18 person convicted of a violation of this section.'

20 Further amend the bill by inserting after section 17 the
22 following:

24 'Sec. 18. 12 MRSA §7463-A, sub-§4-A, as enacted by PL 1989, c.
26 493, §§38 and 76, is repealed and the following enacted in its
28 place:

30 4-A. Subpermittees. A person may not hunt moose with a
32 permittee unless the person is a subpermittee authorized in
34 accordance with this subsection. An applicant for a moose permit
36 may indicate on the application filed pursuant to subsection 6
38 the name of a subpermittee-designate and the name of an alternate
40 subpermittee-designate. If the applicant is issued a moose
42 permit under subsection 7, the subpermittee-designate becomes a
44 subpermittee and the permittee may authorize the subpermittee to
46 participate in the moose hunt with the permittee. The permittee
48 may authorize the alternate subpermittee-designate to participate
50 in the hunt in place of the subpermittee-designate if the
permittee notifies the department of the authorization at least 5
business days prior to the first day of the moose season, in
which case, the alternate subpermittee-designate becomes the
subpermittee. The permittee may choose not to authorize a
subpermittee to participate in the hunt, but a subpermittee must
always be in the presence of the permittee while hunting moose.
A subpermittee is not in the presence of the permittee if contact
between the permittee and the subpermittee requires visual or
audio enhancement devices, including binoculars or citizen band
radios. A permittee may hunt moose with no more than one
authorized subpermittee.'

Further amend the bill in section 19 in paragraph B in the
last line (page 6, line 49 in L.D.) by striking out the
following: "without the consent of the landowner" and inserting
in its place the following: '~~witheat-the-consent-of-the-landowner~~'

Further amend the bill by striking out all of sections 21
and 22 and inserting in their place the following:

'Sec. 21. 12 MRSA §7824, sub-§9, as amended by PL 1991, c.
477, §6, is repealed and the following enacted in its place:

2 9. Reciprocity. Except as specifically provided in this
3 subsection, and notwithstanding any other provision of law, a
4 snowmobile may be possessed or operated by any person in this
5 State without being registered in this State as long as:

6 A. The snowmobile is properly registered in the name of a
7 nonresident owner of the snowmobile; and

8
9 B. The nonresident owner of the snowmobile is a resident of
10 a state, province, country or district with which this State
11 has reciprocity.

12 For purposes of this subsection, "state, province, country or
13 district with which this State has reciprocity" means a state,
14 province, country or district that offers similar privileges to
15 residents of this State. A state, province, country or district
16 does not offer similar privileges if Maine residents holding a
17 valid Maine snowmobile registration are charged a fee for access
18 to the trail system in that state, province, country or district,
19 or if, as determined by the commissioner, privileges and
20 opportunities offered to snowmobile users in that state,
21 province, country or district are not otherwise comparable to
22 those offered in this State.

23 If a snowmobile is owned by a nonresident, but is primarily
24 operated by a Maine resident, it must be registered in this State
25 pursuant to this section. Nothing in this subsection authorizes
26 the operation of any snowmobile in any manner contrary to this
27 subchapter.

28
29 **Sec. 22. 12 MRSA §7910, sub-§13, as enacted by PL 1993, c. 6**
30 **Pt. S, §2, is amended to read:**

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32
33 **13. Nonlapsing appropriations.** All General Fund
34 appropriations to the department may not lapse but must be
35 carried forward and ~~expended for the purposes for which the~~
36 ~~appropriations were made~~ in a separate General Fund program and
37 appropriated by the Legislature to the department for the
38 purposes described in section 7074. Funds in this program are
39 revenues collected by the department and must be added to the sum
40 of all other revenues collected, received and recovered by the
41 department in calculating the amount of funds that must be
42 appropriated to the department pursuant to the Constitution of
43 Maine, Article IX, Section 22.'

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45 Further amend the bill by renumbering the sections to read
46 consecutively.

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48 Further amend the bill by inserting at the end before the
49 statement of fact the following:
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FISCAL NOTE

6 The sale of certain advertising will result in insignificant
8 increases of General Fund revenue from advertising sales. In
10 addition, the application process for importing wildlife into the
12 State will result in insignificant increases of General Fund
14 revenue from new application fees.

16 The increase in falconry license fees will result in
18 insignificant increases of General Fund revenue from license fees.

20 The increase from 1 to 2 years as the term for a permit to
22 hunt wild birds and wild animals will result in insignificant
24 reductions of General Fund revenue from a loss in license fees.
26 In addition, allowing certain educational groups to fish without
28 licenses will result in insignificant reductions of General Fund
30 revenue from decreased license fee revenues.

32 The Department of Inland Fisheries and Wildlife will incur
34 some minor additional costs to adopt certain rules pertaining to
36 falconry and the hunting of wild turkeys and rules pertaining to
38 the special muzzle-loading season, to enforce certain
40 requirements pertaining to the sale of live baitfish and to
42 submit a required report to the Legislature. These costs can be
44 absorbed within the department's existing budgeted resources.'

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32
STATEMENT OF FACT

34 This amendment makes certain technical changes to the bill
36 for clarification and the following substantive changes. The
38 amendment:

40 1. Allows the Commissioner of Inland Fisheries and Wildlife
42 to permit certain groups of resident students to fish without
44 licenses for periods of up to 3 days if the fishing is conducted
46 in the context of an educational program;

48 2. Strikes the portion of the bill requiring those who
50 accompany young persons while hunting to meet hunting safety
requirements;

3. Amends the provisions of the bill extending the
muzzle-loading season in the southern portion of the State.
Under this amendment, the commissioner is authorized to set the
special muzzle-loading season in 1995 and 1996, provided that the
season may be no longer than 12 days in any part of the State;

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2 4. Permits persons holding a valid trapping license to carry
any legal firearm during the open trapping season for purposes of
4 dispatching trapped animals. Current law permits only a .22
caliber firearm to be carried;

6 5. Requires that an applicant for a permit to import
wildlife pay a \$25 application fee to cover the costs of
8 processing the application;

10 6. Extends the period during which allocations are not
required on the Penobscot River on Sundays. The commissioner is
12 required to report on use of the Penobscot River during this
extended period;

14 7. Amends the provision of the bill prohibiting the
16 purchasing of smelts from persons unlicensed to sell smelts.
Under this amendment, the prohibition applies only to licensed
18 bait dealers who purchase smelts from others who are not licensed
to sell smelts;

20 8. Requires that persons who apply for moose permits
22 designate at the time of application the name of the person whom
the applicant would authorize as a subpermittee and the name of
24 one alternate. This is designed to ensure that subpermittee
rights are not sold after permits are issued;

26 9. Repeals language specifically authorizing agents of the
28 department to trap beaver without consent of landowners;

30 10. Ensures that departmental funds that lapse at the end of
the year are reappropriated to the department in accordance with
32 the requirements of the Maine Constitution; and

34 11. Adds a fiscal note.

36 This amendment also conforms existing law to current
drafting standards.